

who is in any way subject to its authority, and the Governor and the State Superintendent of Schools shall not be members of this Board after the first Monday of May, 1918. The Governor may remove any member of the Board appointed under the provisions of this section for immorality, misconduct in office, incompetency, or wilful neglect of duty giving to him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel, in his own defense, upon not less than ten days' notice. If any member shall be removed the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member, and his findings thereon, together with a complete record of the proceedings. Vacancies on the Board for any cause, shall be filled by the Governor, for the unexpired term, and until a successor shall qualify. Any member of the Board shall be eligible for reappointment unless otherwise disqualified by the provisions of this section.

The state board of education is of legislative creation; hence legislature may modify control or abolish it, and change manner of appointment of its members. The Governor is authorized under this section to appoint successors to state board of education without concurrence of senate. Although term of an incumbent has expired, if he holds office until his successor qualifies, there is no vacancy between expiration of his term and qualification of his successor. History of this section. Construction of statutes. *Mandamus denied. Purnell v. Shriver*, 125 Md. 267.

See notes to sec. 9.

An. Code, 1924, sec. 6. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1872, ch. 377. 1886, ch. 293. 1888, ch. 58. 1890, ch. 268. 1892, ch. 341. 1898, ch. 445. 1900, ch. 29. 1906, ch. 353. 1916, ch. 506, sec. 6. 1929, ch. 249, sec. 6.

6. County Boards of Education shall be composed in the Counties of Baltimore, Carroll, Frederick, Dorchester, Washington, Somerset and Montgomery of six members, and in each of the other counties (except Anne Arundel for which separate provisions are made by Section 7 of this Article), of three members, who shall be appointed from the citizens of the county by the Governor for a term of six years from the first Monday in May next succeeding their appointment, and they shall hold office until their successors qualify. Provided that the terms of office of persons who are members of the County Boards on passage of this Act shall not be affected by its provisions; and provided further that on or before the first Monday in May of 1929, the Governor shall appoint in the Counties of Baltimore, Carroll, Frederick, Dorchester, Washington, Somerset and Montgomery two members, one for a term of five years and one for a term of six years from the first Monday in May, 1929. Thereafter the term of each member appointed to the Boards from each County (except Anne Arundel) shall be six years. And provided further that in Somerset County, the members of the Board shall be appointed in the manner hereinafter described from the following election districts of said county; one member from Tangier, Damesquarter and St. Peters; one member from Mt. Vernon, Princess Anne No. 1 and Princess Anne No. 2; one member from Dublin, Westover and Fairmount; one member from Brinkleys No. 1, Brinkleys No. 2 and Lawsons; one member from Crisfield No. 1, Crisfield No. 2 and Asbury; and one member from Deals Island and Smiths Island. The members of the Boards shall be appointed solely because of their character and fitness, but no person shall be appointed to a Board who is in any way subject to its authority. The State Superintendent of Schools by and with the approval of the Governor, may remove any member of a board appointed under the provisions of this section for immorality, misconduct in office, incompetency or wilful neglect of duty, giving to